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March 16, 2018

**FILED VIA ECF AND THUS SERVED ON ALL COUNSEL OF RECORD**

The Honorable Rebecca R. Pallmeyer  
Everett McKinley Dirksen United States Courthouse  
219 South Dearborn Street, Chambers 2146  
Chicago, IL 60604

**Re: Second Update on Proceedings in Europe Related to *U.S. v. Firtash*, No. 13 CR 515**

Dear Judge Pallmeyer:

I write today to provide you another update on proceedings in Europe related to *United States v. Dmitry Firtash, Andras Knopp et. al.* Recent developments have accelerated the time frame for the Austrian courts to decide whether to extradite Dmitry Firtash from Austria to the United States.

When I appeared before the Court on September 15, 2017 for oral argument on Mr. Firtash's pending motion to dismiss, I summarized for the Court the status of extradition proceedings in Austria as of that time. In short, I told the Court that, while we could not predict with complete accuracy and it depended on actions taken by the Austrian Courts, Mr. Firtash could face extradition to the United States within two to four months. (9/15/17 Transcript at 6.)

I provided a further update about proceedings in Austria by letter to you (filed via ECF) on December 20, 2017. At that time, I stated that the Austrian Supreme Court issued a written decision on December 12, 2017, which Mr. Firtash and his counsel received on December 18, 2017, that stayed Mr. Firtash's extradition to the United States pending its decision on his request for a retrial, which the Court found not without merit. (Docket No. 56.) I informed the Court that the Austrian Supreme Court's decision further stayed Mr. Firtash's extraordinary appeal proceedings until a preliminary ruling is reached in the Court of Justice of the European Union on the applicability of the EU Charter on Human Rights to the extraordinary appeal proceedings. (*Id.*)

Based on these developments, I told the Court that while it was still difficult to predict with complete accuracy, it was unlikely that Mr. Firtash would face extradition to the United States in the immediate future. (*Id.*) I also told the Court that I would keep it apprised of any new developments related to proceedings in Austria. (*Id.*)

Recent developments regarding Mr. Firtash's extradition case have hastened the time frame I provided to the Court in my last letter. Mr. Firtash's Austrian lawyers recently informed me that the Court of Justice of the European Union will soon hear a case on the applicability of the EU Charter on Human Rights to



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extraordinary appeal proceedings in the Austrian Supreme Court. That issue represents one of the bases the Austrian Supreme Court cited in support of the stay it issued on December 12, 2017, and it may soon be decided.

On March 20, 2018—in a case known as “XC and Others” with a file number C-234/17—the Court of Justice of the European Union will consider the EU Charter on Human Rights applicability issue. While this hearing will thus take place in a case that is not Mr. Firtash’s case, the issue in the XC and Others case and Mr. Firtash’s case related to the applicability of the EU Charter on Human Rights is the same. Therefore, the Austrian Supreme Court stayed its proceedings regarding Mr. Firtash’s case until this preliminary question is clarified by the Court of Justice of the European Union in the XC and Others case. Mr. Firtash’s Austrian lawyers have further informed me that the Court of Justice of the European Union could issue a decision on this applicability issue at any time after the March 20, 2018 hearing and that, due to the importance of the issue, a ruling is expected in the near term.

Mr. Firtash’s Austrian lawyers believe that once the Court of Justice of the European Union issues a preliminary ruling in the XC and Others case and the Austrian Supreme Court receives that ruling, the Austrian Supreme Court could then make a swift decision confirming Mr. Firtash’s extradition to the United States or granting a retrial. Again, while no one can predict with complete accuracy, Mr. Firtash’s Austrian lawyers believe that the Austrian Supreme Court will move quickly, particularly considering that the Court has had Mr. Firtash’s case since August 18, 2017.

In short, Mr. Firtash’s Austrian lawyers now believe it is possible that Mr. Firtash could face extradition to the United States sooner than was predicted at the time of my December 2017 letter. As before, I will continue to update the Court with any information I receive regarding Mr. Firtash’s extradition proceedings in Austria.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan K. Webb".

Dan K. Webb

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